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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,029	04/13/2004	Kamil Burzynski	BURAZYNSKI 1	3363
25889	7590	09/10/2007	EXAMINER	
WILLIAM COLLARD COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			KANGAROO, RAMTIN	
		ART UNIT	PAPER NUMBER	
		2609		
		MAIL DATE	DELIVERY MODE	
		09/10/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/823,029	BURZYNSKI, KAMIL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ramtin Kangarloo	2609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 13 April 2004 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 4/13/2004.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Dieterich (US Patent No. 6208643).

Regarding **Claim 1**, Dieterich discloses a method for multiplexing, in MPEG stream processor, packets of input MPEG streams into one output transport stream with simultaneous correction of time stamps, (See col. 1, Lines 29-38 and col.2 lines 10-13) where input streams of MPEG data are supplied with defined time stamps of their packets (See col. 1, Lines 57-61) and at the same time packets of MPEG input streams are multiplexed (fig.1) and their time stamps are corrected in such a way that their set time stamps are removed and replaced with the values of time stamps calculated according to the algorithm, (See col. 4, Lines 3-9 ) which detects and corrects the detected synchronization errors and next packets with so corrected time stamps are appended suitably to the output MPEG stream, characterized in that: (See col. 4, Lines 21-26).

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a. packets of every input MPEG stream are transmitted from stream buffers to appropriate packet buffers,(fig.2) together with information about time relations between the neighboring packets of a given input MPEG stream and afterwards, (See col. 4, lines 49-68 and col. 5, lines 1-5)

b. The packets of input MPEG streams are retrieved from the mentioned packet buffers to packet processing unit by means of a multiplexer

i. and in the packet processing unit, (See col. 5, Lines 44-53) the time relations between the neighboring packets of input streams are checked and the time relations are also checked for the state of the clock of a given output stream, the time of sending the last packet from a given packet buffer and the allowed time offset of packets in the output stream and based on them the time stamps contained in them are corrected according to the value of the clock of the output MPEG stream

c. and next appropriately selected packets are appended to the output MPEG stream (See col. 2, Lines 38-44).

Regarding **Claim 2**, Dieterich discloses the method, according to claim 1, characterized in that the packets supplied to the stream buffers are filtered according to specific criteria (See col. 13, Lines 24-29).

Regarding **Claim 3**, Dieterich discloses the method, according to claim 2, characterized in that the criteria of filtering packets are specified by the PID numbers of the supplied packets (See col. 13, Lines 60-68).

Regarding **Claim 4**, Dieterich discloses the method, according to claim 1, characterized in that data are transmitted from stream buffers to packet buffers at the request of the output module (See col. 5, Lines 23-28).

Regarding **Claim 5**, Dieterich discloses the method, according to claim 1, characterized in that the data from stream buffers are transmitted to the packet buffers after checking that the packet buffer can receive them (See col. 5, Lines 33-38).

Regarding **Claim 7**, Dieterich discloses the method, according to claim 1, characterized in that in the system processing MPEG streams, changes of the quantity of available stream buffers are monitored by means of an independent process and based on these changes packet buffers are added or removed (See col. 5, Lines 19-22).

Regarding **Claim 8**, Dieterich discloses the method, according to claim 1, characterized in that time relations between the neighboring packets of a given stream are defined as a difference of the time stamps between the current, and the previous packet of a given stream (See col. 2, Lines 38-44).

Regarding **Claim 9**, Dieterich discloses the method, according to claim 8, characterized in that for the first packet from the given input stream, the time

stamp of the previous packet is defined as equal to the-time stamp of the current packet (See col. 12, Lines 49-53, Lines 60-62 and See col. 8, Lines 1-4).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dieterich (US Patent No. 6208643) in view of McCormack (US Patent No. 6996202).

Regarding **Claim 6**, Dieterich disclose the limitation in claim 1. Dieterich does not specifically disclose to use an additional clock for stream buffer. McCormack teaches in case of equipping the stream buffer with additional clock, the frequency of this clock adjusts to the frequency of the clock of time stamps of packets of a given stream, based on the average value, calculated from at least two measurements of the values of time stamps of packets of a given stream (See col. 17, Lines 111-14).

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to mount the clock recovery taught by McCormack onto the MPEG stream processor as shown in Dieterich, in order to establish better time mapping so that the systems run more efficient.

### ***Conclusion***

6. Any response to this Office Action should be **faxed** to (571) 273-8300 or

**Mailed**

**to :**

Commissioner for Patents,  
P.O.Box 1450  
Alexandria, VA 22313-1450

***Hand-delivered responses should be brought to***

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramtin Kangarloo whose telephone number is (571) 270-3452. The examiner can normally be reached on Monday to Thursday 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benny Tieu can be reached on (571) 272-7490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramtin Kangarloo  
Examiner Art Unit 2609  
August 29, 2007

Benny Q. Tieu  
BENNY Q. TIEU  
SPE/TRAINER